

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANTHONY BAILEY,

Plaintiff

v.

N.D.O.C., *et al.*,

Defendants

Case No. 2:20-cv-01709-KJD-VCF

ORDER

I. DISCUSSION

On September 23, 2020 and November 24, 2020, this Court ordered Plaintiff to file a fully complete application to proceed *in forma pauperis* or pay the full \$400 filing fee for a civil action. (ECF Nos. 3 and 5). On December 2, 2020, Plaintiff filed a motion to clarify. (ECF No. 6).

To date, Plaintiff has not filed an **income account statement for the previous six-month period** with his applications to proceed *in forma pauperis* at ECF Nos. 1 and 4. The Court cannot proceed in this case until Plaintiff files a fully complete application to proceed *in forma pauperis* including an **income account statement for the previous six-month period** or pays the \$400 filing fee.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court's approved form (i.e., pages 1 through 3 with the inmate's two signatures on page 3),
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e., page 4 of this Court's approved form), and
- (3) a copy of the **inmate's prison or jail trust fund account statement for the**

1 previous six-month period.

2 The Court will grant Plaintiff until **February 2, 2021** to file a fully complete
 3 application to proceed *in forma pauperis* containing all three of the required documents.
 4 Plaintiff shall file a fully complete application to proceed *in forma pauperis*, including a
 5 fully executed and current Financial Certificate and an inmate account statement for the
 6 previous six-month period or pay the full \$400 filing fee on or before **February 2, 2021**.
 7 Absent unusual circumstances, the Court will not grant any further extensions of time.

8 If Plaintiff does not file a fully complete application to proceed *in forma pauperis*
 9 with all three required documents on or before **February 2, 2021**, this case will be subject
 10 to dismissal without prejudice for Plaintiff to file a new case with the Court when Plaintiff
 11 is able to acquire all three of the documents needed to file a fully complete application to
 12 proceed *in forma pauperis* or pays the full \$400 filing fee.

13 **II. CONCLUSION**

14 For the foregoing reasons, IT IS ORDERED that Plaintiff's motion to clarify (ECF
 15 No. 6) is denied as moot.

16 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the
 17 approved form application to proceed *in forma pauperis* by an inmate, as well as the
 18 document entitled information and instructions for filing an *in forma pauperis* application.

19 IT IS FURTHER ORDERED that on or before **February 2, 2021**, Plaintiff will either
 20 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
 21 administrative fee) or file with the Court:

22 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this
 23 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two
 24 signatures on page 3),

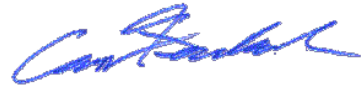
25 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail
 26 official (i.e. page 4 of this Court's approved form), and

27 (3) a copy of the **inmate's prison or jail trust fund account statement for the**
 28 **previous six-month period.**

1 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete
2 application to proceed *in forma pauperis* with all three documents or pay the full \$400
3 filing fee for a civil action on or before **February 2, 2021**, this case will be subject to
4 dismissal without prejudice for Plaintiff to refile the case with the Court, under a new case
5 number, when Plaintiff has all three documents needed to file a complete application to
6 proceed *in forma pauperis* or pays the the full \$400 filing fee.

7 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint
8 (ECF No.1-1) but will not file it at this time.

9 DATED: 12-7-2020

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11 UNITED STATES MAGISTRATE JUDGE